

American Federation of State, County & Municipal Employees, AFL-CIO

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**District Council**



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September 9, 2014

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Honorable J. Paul Oetken

United States District Court

Southern District of New York

500 Pearl Street, Room 2101

New York, NY 10007

**Re: Richard Massie v. Metropolitan Museum, et. al., 11 CV 9549 (JPO)**

Dear Judge Oetken:

We represent Defendants Local 1503, District Council 37, AFSCME, AFL-CIO ("Union") in the above-captioned case. In your July 8, 2014 Opinion and Order, you granted the Union's motion, and ruled that Mr. Massie's claim against DC 37 must be dismissed because it was untimely. You further granted Plaintiff leave to file an amended complaint, but only for the purposes of alleged violations of §§1981 and 1983 committed by the Met.

Plaintiff's Fourth Amended Complaint, filed on September 4, 2014, raises new allegations concerning Local 1503 and District Council 37. Your Opinion and Order limited the causes of action that Plaintiff could amend, which did not include the duty of fair representation claim against the Union. We seek clarification from you as to how to respond to the Fourth Amended Complaint, or if any response is necessary.

Thank you for your attention and consideration in this matter.

Respectfully submitted,

Meaghean Murphy (MM 1438)  
Assistant General Counsel